

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY WARSAW IMMEDIATE

C O N F I D E N T I A L STATE 116893

E.O. 11652: GDS

TAGS: EAIR, CVIS, PFOR, PL, US

SUBJECT: CIVAIR CONSULTATIONS: ALLEGED US VISA RESTRICTIONS

REF: WARSAW 3809

1. THE ASSERTION IN GOP NOTE (PARA 8 OF REFTTEL) THAT PANAM
TICKET SALES IN ZLOTYS HAVE NOT REACHED THE AGREED LEVEL BE-
CAUSE OF US RESTRICTIONS ON VISA ISSUANCE LOOKS LIKE A FOUL
BALL. IT MAY HAVE BEEN INCLUDED AS A MEANS OF RETURNING
SOME OF THE PRESSURE WE HAVE DIRECTED AT THE POLES ON THE
QUESTIONS OF DIVIDED FAMILIES AND VISA DENIALS. IN OUR
SEVERAL RECENT DISCUSSIONS OF THESE ISSUES, POLISH EMBASSY
OFFICIALS HERE HAVE REJOINED BY POINTING TO ALLEGED RESTRIC-
TIONS ON US NIV ISSUANCE. IN REPOSE, WE HAVE EXPLAINED OUR
REQUIREMENTS FOR ESTABLISHING AN INTENDING VISITOR'S BONA
FIDES. WE HAVE ALSO EXPLAINED THE LAW'S PRESUMPTION OF
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INTENTION TO IMMIGRATE, POINTING OUT THAT A PERSON WHO WANTS
TO GO FOR AN EXTENDED VISIT BUT CANNOT QUALIFY FOR A VISI-
TOR'S VISA CAN, IF OTHERWISE ELIGIBLE, GET AN IMMIGRANT VISA
-- AT LEAST AS FAR AS US LAW IS CONCERNED. WE HAVE FURTHER
NOTED THAT US VISA REQUIREMENTS STEM IN PART FROM THE FACT
THAT, UNLIKE POLAND AND MANY OTHER EUROPEAN COUNTRIES, THE
US HAS FEW INTERNAL CONTROLS ON RESIDENCY, TRAVEL, AND

EMPLOYMENT.

2. BECAUSE THE POLES HAVE RAISED THIS ISSUE IN A FORMAL NOTE ON CIVIL AVIATION, WE SHOULD BE READY WITH A FULL AND AUTHORITATIVE REPLY IN CASE THEY PURSUE THE ISSUE AT THE UPCOMING TALKS. WE ARE ALSO CONSIDERING CONTINGENCY POINTS ABOUT POLISH RESTRICTIONS ON FREEDOM OF MOVEMENT. THEIR GRANTING EXIT PERMISSION TO THE OVER THREE THOUSAND INDIVIDUALS REGISTERED WITH THE EMBASSY IN THE DIVIDED FAMILIES CATEGORY COULD, FOR EXAMPLE, GENERATE CONSIDERABLE BUSINESS FOR LOT AND PANAM.

3. FOR OUR PART, WE SEE NO NEED TO INTERJECT THIS ISSUE INTO THE CIVIL AVIATION TALKS, WHICH FACE ENOUGH CONTENTION AS IT IS. WE WOULD ACTUALLY BE SURPRISED IF THE POLES CHOOSE TO INTRODUCE ANOTHER CONTROVERSY. NEVERTHELESS, WE WANT TO BE PREPARED.

3. ACTION REQUESTED: THE DEPARTMENT WOULD APPRECIATE EMBASSY'S EVALUATION OF THE INTENT AND SIGNIFICANCE OF THE POLISH ALLEGATION, TOGETHER WITH WHATEVER STATISTICS AND BACKGROUND INFORMATION THE EMBASSY CAN PROVIDE IN REBUTTAL. WE WOULD ALSO WELCOME CONTINGENCY RESPONSES, SHOULD THE POLES MAKE AN ISSUE OF ALLEGED US VISA RESTRICTIONS. VANCE

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